

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

INTELLECTUAL VENTURES I, LLC;
INTELLECTUAL VENTURES II, LLC,

Plaintiffs,

v.

LENOVO GROUP LTD., LENOVO
(UNITED STATES) INC., LENOVOEMC
PRODUCTS USA, LLC, and EMC
CORPORATION,

Defendants.

INTELLECTUAL VENTURES I, LLC;
INTELLECTUAL VENTURES II, LLC,

Plaintiffs,

v.

NETAPP, INC.,

Defendant.

C.A. No. 1:16-cv-10860-PBS

LEAD CASE

ORAL ARGUMENT REQUESTED

C.A. No. 1:16-cv-10868-PBS

**EMC CORPORATION'S MOTION TO COMPEL PRODUCTION OF DOCUMENTS
RELATING TO THE SALE OF U.S. PATENT NO. 6,968,459**

Pursuant to Federal Rule of Civil Procedure 37(a) and the Court's Scheduling Order (Dkt. 220), Defendant EMC Corporation ("EMC") hereby moves for an order compelling Plaintiffs Intellectual Ventures I, LLC and Intellectual Ventures II, LLC (collectively, "IV") to produce documents sufficient to show the price they paid for U.S. Patent No. 6,968,459 (the "'459 patent"), or alternatively to stipulate that they purchased the '459 patent for \$100.00, and to reimburse EMC for the reasonable expenses incurred in pursuing a lengthy meet-and-confer process and bringing the present motion, including attorney's fees.

As grounds for this motion, EMC relies on the concurrently-filed (1) Memorandum of Law in Support of Motion to Compel Production of Documents Relating to the Sale of U.S.

Patent No. 6,968,459, (2) Declaration of Shirley X. Li Cantin, and (3) the exhibits attached thereto. A proposed order is attached hereto.

WHEREFORE, EMC respectfully requests that the Court grant its motion and order IV to produce documents sufficient to show the price it paid for the '459 patent, or alternatively to stipulate that IV purchased the '459 patent for \$100.00, and to reimburse EMC for the reasonable expenses incurred in pursuing a lengthy meet-and-confer process and bringing the present motion, including attorney's fees.

Dated: May 6, 2019

Respectfully submitted,

/s/ Shirley X. Li Cantin

Cynthia D. Vreeland (BBO #635143)
Shirley X. Li Cantin (BBO #675377)
Wilmer Cutler Pickering Hale and Dorr LLP
60 State Street
Boston, MA 02109
Telephone: 617-526-6000
Facsimile: 617-526-5000
cynthia.vreeland@wilmerhale.com
shirley.cantin@wilmerhale.com

Krishnendu Gupta (BBO # 632793)
Thomas A. Brown (BBO # 657715)
EMC Corporation
176 South Street
Hopkinton, MA 01748
Tel: (508) 435-1000
krish.gupta@dell.com
tom.brown@dell.com

*Attorneys for Defendant
EMC Corporation*

REQUEST FOR ORAL ARGUMENT

Pursuant to Local Rule 7.1(d), EMC respectfully requests oral argument to address this motion as such argument will assist the Court in addressing the issues raised herein.

Dated: May 6, 2019

/s/ Shirley X. Li Cantin
Shirley X. Li Cantin (BBO #675377)

FEDERAL RULE OF CIVIL PROCEDURE 37 AND LOCAL RULE 7.1 CERTIFICATE

I hereby certify that in accordance with Federal Rule of Civil Procedure 37(a) and Local Rule 7.1(a)(2), prior to the filing of the above motion counsel for Plaintiffs Intellectual Ventures I, LLC, and Intellectual Ventures II, LLC and counsel for Defendant EMC Corporation met and conferred in good faith regarding IV's document production on March 11, 2019, and Defendant EMC Corporation attempted in good faith to meet and confer further to obtain the requested discovery without court action, but Plaintiffs were unwilling to do so.

/s/ Shirley X. Li Cantin
Shirley X. Li Cantin (BBO #675377)

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the CM/ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing and paper copies will be sent to those indicated as non-registered participants on May 6, 2019.

/s/ Shirley X. Li Cantin
Shirley X. Li Cantin (BBO #675377)